

National Service Criminal History Checks (NSCHC)

Agenda

- **Why Do They Matter?**
- **Your Responsibility: The Three D's of CHCs**
- **Eligibility**
- **The Checks**
- **Application: Who Needs What Checks?**
- **Resources, Alternatives and Special Cases**

Why do NSCHCs Matter?



SAFETY

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Why Do NSCHCs Matter?

- Responsibility to protect vulnerable populations.
- Responsibility for taxpayer dollars.
- Uphold the requirements based in law.
- Cost disallowance & other consequences for noncompliance.



After the assessment period of Fall 2014, all grantees were required to correct any errors and establish strong controls over their NSCHC policies and procedures.

Your Responsibility: The Three D's of CHCs



1. DO the right checks.



2. Do them by the right **DATE**.



3. DOCUMENT your actions.

Eligibility: Who Can Serve or Work?

Anyone who **refuses** to undergo the check is ineligible.

Anyone who makes a **false statement** in connection with a program's inquiry concerning their individual's criminal history is ineligible.

Anyone listed, or required to be listed, on a **sex offender** registry is ineligible. (November 23, 2007)

Anyone convicted of **murder** as defined and described in 18 U.S.C. § 1111 is ineligible.* (October 1, 2009)

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Your Responsibility: Consent and Identity

1. DO



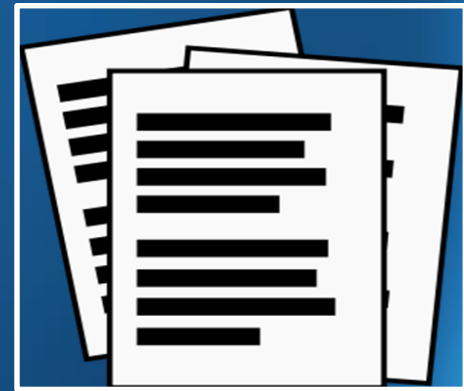
- **DO** verify identity.
- **DO** obtain consent.
- **DO** clarify understanding of contingency of position.
- **DO** the required checks. (More to come...)

2. DATE



- **COMPLETE** NSOPW **BEFORE** start of hours.
- **INITIATE** State and/or FBI checks **NO LATER THAN THE FIRST DAY.**

3. DOCUMENT



- **DOCUMENT** copy of government issued ID or key information.
- **DOCUMENT** written consent.
- **DOCUMENT** understanding of contingency of position.

What Checks Are Required?



1. National Sex Offender
Public Website



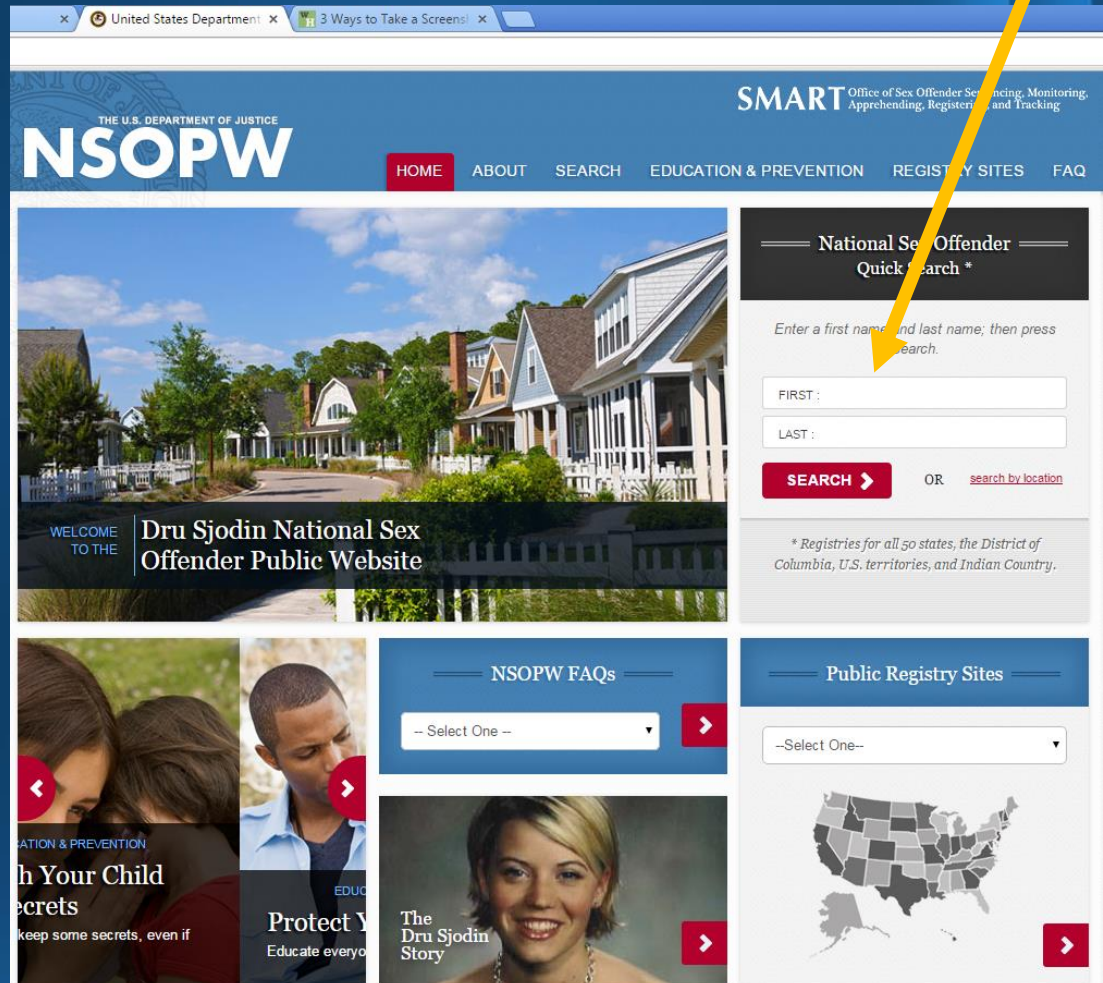
2. State Checks



3. FBI Checks

National Sex Offender Public Website (NSOPW)

- Nationwide search from the U.S. D.O.J.
- Name-based check of public information.
- Must clear all “hits” on a name.
- Must obtain all states.



The Three D's of the NSOPW

1. DO



- **DO** search the NSOPW for all covered individuals.
- **DO** clear all “hits”.
- **DO** include all States.

2. DATE



- **COMPLETE** before start of hours.

3. DOCUMENT



- **DOCUMENT** screenshot or printout of results.
- **DOCUMENT** that “hits” have been cleared

State Checks

- Checks from official CNCS-designated sources (and **only** designated sources).
- **BOTH** State of Service and State of Residence required.
- List of designated sources at: <http://www.nationalservice.gov/resources/criminal-history-check>



The Three D's of State Checks

1. DO



- **DO** State checks when required.
- **DO** establish if State of Residence is required.
- **DO** search States of Service and Residence.
- **DO** use CNCS-designated sources.

2. DATE



- **INITIATE** before start of hours.

3. DOCUMENT



- **DOCUMENT** date initiated, date cleared, results, and source.
- **DOCUMENT** results of check were considered.

FBI Checks

- Fingerprint-based, nationwide check.
- **MUST** go through State repository.
- If State repository is not possible, alternative methods are available. (“Departmental Orders”)



The Three D's of FBI Checks

1. DO



- **DO** FBI checks when required.
- **DO** first approach your State repository.
- **DO** consult CNCS if State repository is not feasible.

2. DATE



- **INITIATE** before start of hours.

3. DOCUMENT



- **DOCUMENT** date initiated, date cleared, results, and source.
- **DOCUMENT** results of check were considered.

A photograph of two young women standing in a hallway, smiling at the camera. They are both wearing red zip-up sweatshirts. The woman on the left has red hair and is wearing a sweatshirt with "CITY YEAR" printed on it. The woman on the right has brown hair. The background shows a hallway with blue doors and fluorescent lights.

ACCOMPANIMENT

CITY YEAR

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ACCOMPANIMENT

- Accompaniment must be performed when individuals are in contact with **vulnerable populations** while State and FBI checks are pending.
- An individual is accompanied when he or she is in the **physical presence** of a person cleared for access to a vulnerable population.
- Accompaniment can cease when either a State **or** FBI check is cleared.

The Three D's of Accompaniment

1. DO



- **DO** know you can start work/service while checks are pending.
- **DO** identify individuals who can accompany.
- **DO** perform accompaniment while both checks are pending.

2. DATE



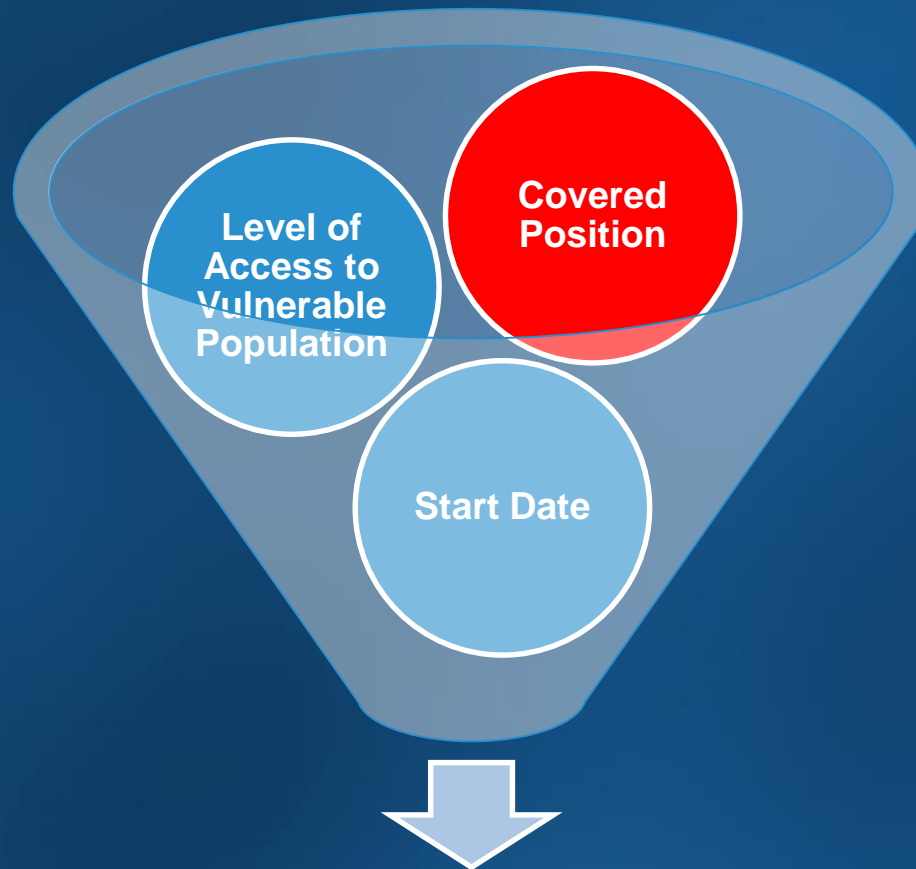
- **PERFORM WHENEVER** an individual is in contact with vulnerable populations and both checks are pending.

3. DOCUMENT



- **DOCUMENT** date, time, and accompanier.
- **DOCUMENT** appropriateness of accompanier.

Who Needs What Checks?



Required Checks

Covered Positions

“Covered Position”

Any position receiving a salary, stipend, living allowance and/or education award from a CNCS-funded grant.

- All individuals in a “covered position” are subject to NSCHC requirements.
- Includes program/grantee staff.
- Funds may come from federal share, matching dollars, or a mixture.
- Fixed Amount: Any individual performing activities described in the application.
- SIF and VGF: Contractors are “covered” when performing program activities.

WHO'S COVERED?



Armand

Role: Executive Director
Funding: Matching funds
Start Date: May 2011
CNCS Grant Starts: April 2012

COVERED
(2012)



Belen

Role: Teacher's Aide
Funding: CNCS funds
Start Date: 2015

COVERED



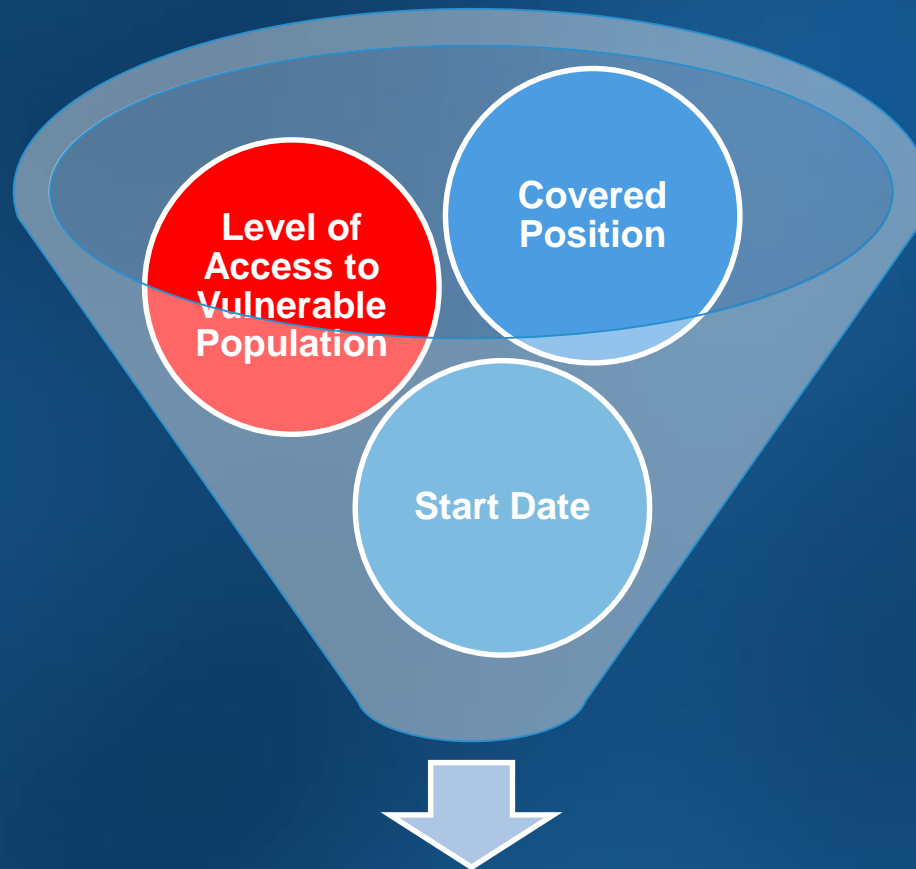
Mina

Role: Office Administration
Funding: Neither CNCS nor
Matching
Start Date: 2014

COVERED

Fixed Amount
Grant

Who Needs What Checks?



Required Checks

Types of Coverage

- **No Access or Episodic Access:** Access that is not a regular, scheduled, and anticipated component of an individual's position.
- **Recurring Access:** The ability on more than one occasion to approach, observe, or communicate with an individual, through physical proximity or other means, including but not limited to, electronic or telephonic communication.

Vulnerable Populations



Children 17 and under



Individuals 60 and Over



Individuals with Disabilities

Types of Coverage



Armand

Role: Executive Director
Funding: Matching funds
Start Date: May 2011

RECURRING
ACCESS



Belen

Role: Teacher's Aide
Funding: CNCS funds
Start Date: 2015

RECURRING
ACCESS



Mina

Role: Office Administration
Funding: Neither CNCS nor
Matching
Start Date: 2014

NO ACCESS

Fixed Amount
Grant

State and FBI Checks

For individuals with start dates on/after April 21, 2011:

No or Episodic Access → State **OR** FBI

Recurring Access → State **AND** FBI



Armand

Role: Executive Director
Funding: Matching funds
Start Date: May 2011
Access: Episodic



OR



Belen

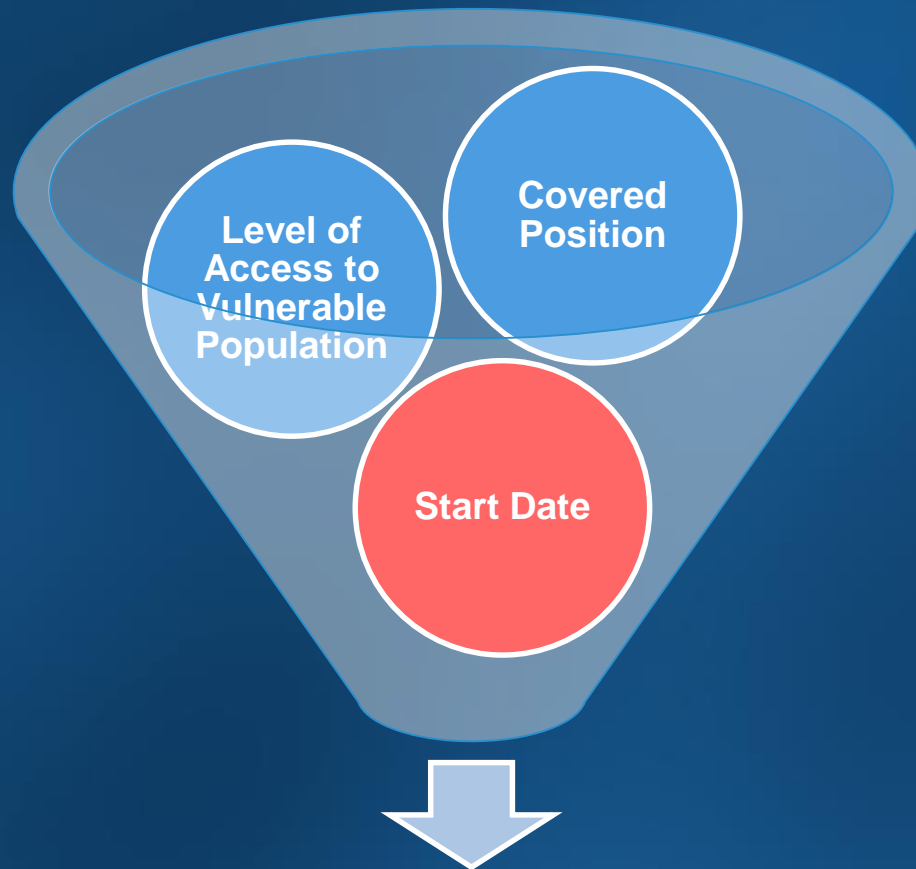
Role: Teacher's Aide
Funding: CNCS funds
Start Date: 2012
Access: Recurring



AND



Who Needs What Checks?



Required Checks

Alternatives and Special Cases

- Possible to submit Alternative Search Procedures (ASPs) and requests for FBI exemptions.
- “Blanket ASPs”
- Visit CNCS website for more information.

Blanket ASPs as of March 2015 address the following situations:

Organizations that receive clearance letters from partners, in lieu of actual results.

Unreadable fingerprints

Prohibited by State law from sharing or maintaining results

Use of Departmental Orders checks when State Repository denies request for check

Using a vendor for NSOPW results

Vendors

It is the grantee's duty to ensure that their vendor complies with NSCHC requirements.

Which CHC **component** will you use the vendor for?

Will the vendor use the **correct source**?

Does the vendor **limit data** to 7 years?

Does the vendor maintain the **results**?

Vendor products may address all or some of the components of the National Service Criminal History Check. If the vendor's product deviates from the National Service Criminal History Check procedures, an ASP is required. Many vendors also offer more comprehensive searches than CNCS requires. You may use these for additional screenings at your own discretion.

The Three D's of Vendors

1. DO



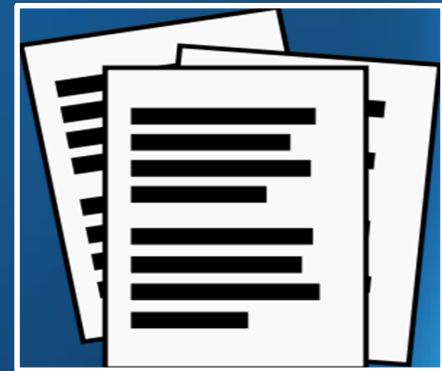
- **DO** thoroughly assess your vendor.
- **DO** identify and match the vendor sources to the CNCS designated sources.
- **DO** identify whether the vendor will provide you the results and/or adjudicate the results for you based on criteria for eligibility.

2. DATE



- **DO** complete the NSOPW through the vendor **BEFORE** hours.
- **DO** initiate the State/FBI check component through the vendor no later than the first day.

3. DOCUMENT



- **DOCUMENT** vendor compliance with CHC requirements, document vendor data source.
- **DOCUMENT** results as long as required under the grant.

Resources

**What is the best resource
for questions and special
cases?**



**HIGHER
ACHIEVEMENT
PROGRAM**

Your Program Officer

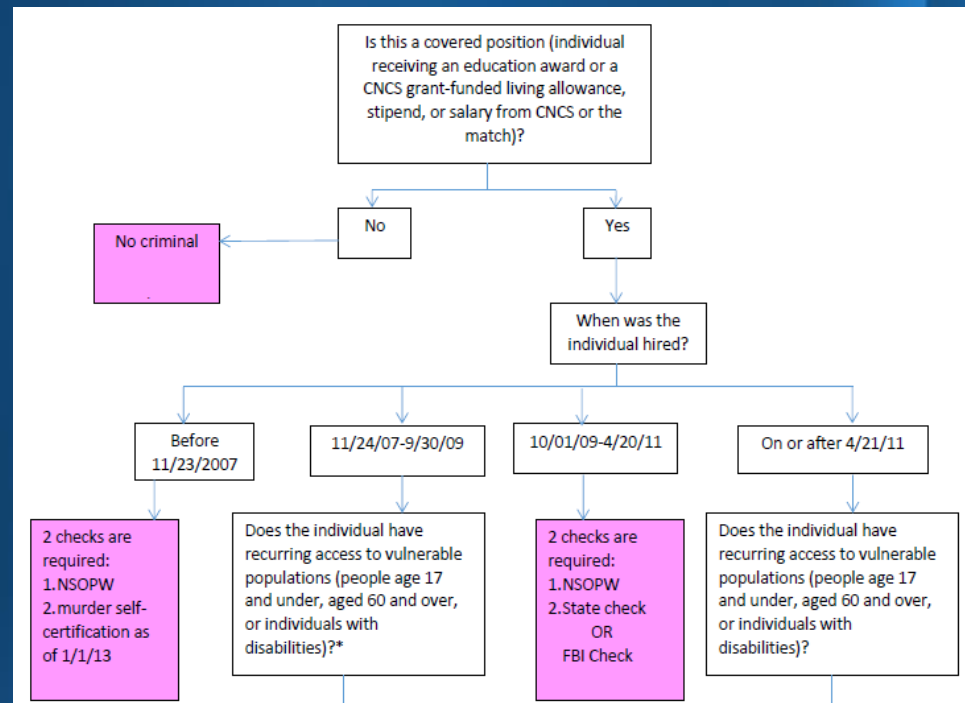
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CNCS Resources

<http://www.nationalservice.gov/resources/criminal-history-check>

- Regulations
- FAQs
- Guidance
- Checklists and Flowcharts
- Online Training



Review: Your Keys to Success



1. DO the right checks.



2. Do them by the right **DATE**.



3. DOCUMENT your actions.



What

Where

When

Why